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cont.

decreasing the pH of the solubilized proteins by mixing an acidifying agent with the pieces of meat thereby selectively denaturing and coagulating the solubilized proteins such that the smaller pieces of meat are mutually joined but themselves substantially retain the properties of unprocessed raw meat because proteins present in the smaller pieces of meat substantially do not denature [while] and holding the pieces of meat against each other to form the coherent piece of meat, wherein the pH decrease is obtained by adding an additive causing a delayed acidification in a quantity such that the pH value decreases in the layer with solubilized proteins, said additive selected from the group consisting of gluconodeltalacton and an encapsulated edible acid.

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Claim 8, line 1 delete "7" and insert --1--.

REMARKS

Claims 1, 3, 4, 9-12 and 14-20 stand rejected under 35 U.S.C. §112, first paragraph, regarding the limitation in claim 1 of mixing an acidifying agent with pieces of meat and holding the pieces of meat against each other. Claim 1 has been amended to clarify that the mixing step is distinct from the holding step as was set forth in the originally filed claim 1. Withdrawal of the §112 rejection is respectfully requested.

Claims 1, 3, 4, 12, 14, 15, 18-20 stand rejected under 35 U.S.C. §102(b) for anticipation by each of U.S. Patent No. 4,772,477 to Weiss et al. and an excerpt from The Joy of Cooking. Claims 1, 3, 4, 9-12 and 14-20 stand rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 3,740,235 to Weiner in view of an abstract of German Patent No. 1,692,110 to Bauer et al. Claims 1, 3, 4, 9-12 and 14 stand rejected under 35 U.S.C. §103(a) for obviousness over the Weiss patent in view of the Weiner patent. These prior art rejections are reversed in view of the amendments to claim 1 and for the following reasons.

Applicant and his representative thank the Examiner for courtesies extended in the Interview on June 7, 2000 in which these prior art rejections were discussed. During the

Interview, Applicant detailed a key aspect of the present invention, namely delayed acidification occurring following the mixing of the acidifying agent to the pieces of meat to lower the pH value in the layer of the solubilized proteins. The Examiner acknowledged that this feature of delayed acidification is not taught or suggested by The Joy of Cooking excerpt or the combined teachings of the Weiner et al. patent and the Bauer et al. abstract. It was agreed that if the limitations of claim 4 as well as recitation of the acidifying agents disclosed at page 5, lines 24-25 of the specification were incorporated into claim 1, then claim 1 and the dependent claims would define over these three references. Claim 1 has been amended accordingly.

With regard to the rejection of the claims based on the Weiss et al. patent, these rejections are traversed for the following reasons. The Weiss et al. patent is directed to the preparation of sausages and the like. Sausage preparation is disclosed in Examples 1 and 2 of column 5 as using a step of "thorough mixing" of meat product along with other components of the sausage. This mixing step is distinct from the massaging and/or tumbling steps set forth in claim 1 of the present application. Mixing is designed to carefully avoid any smearing between the fat and the meat. When smearing occurs, the fat and the meat are no longer clearly separated and the marbling of the sausage or salami disappears. Moreover, smeared meat products do not dry properly which leads to rotting.

The present invention requires exudation of proteins on the surfaces of the meat pieces. If such meat pieces with exuded proteins were used to prepare sausage and the like, smearing would occur. Any process performed according to the Weiss et al. patent would be done to minimize any solubilization of proteins (avoiding smearing), for example, by mixing the ingredients in a bowl or a chopper. The product produced according to the Weiss et al. patent must necessarily avoid exudation of proteins and covering of the pieces of

meat with a layer of proteins which is directly opposite to the process of the present invention.

During the Interview, Applicant detailed the differences between the process according to the Weiss et al. patent and the claimed invention. Applicant indicated that the an expert declaration by a food technology specialist would be submitted in order to support the position that the *mixing* of pieces of meat to produce sausage and the *massaging and tumbling* of meat followed by the solubilization of proteins thereon according to the present invention are distinct processes and nonobvious from each other. The Examiner agreed that if such an expert declaration were provided, the prior art rejections based on the Weiss et al. patent would be withdrawn.

The Examiner further agreed to wait until such an expert Declaration is submitted before taking any further action in this case. A Declaration is expected to be ready for submission in a few weeks.

In view of the amendment to claim 1 and for the foregoing reasons and in anticipation of the expert Declaration demonstrating the distinctions between the claimed invention and the disclosure of the Weiss et al. patent, claims 1, 3, 8-12, 14-20 are believed to define over the prior art of record and be in condition for allowance.

Respectfully submitted,

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